

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**NOEL BRALLEY,  
CAROLYN BRALLEY,  
and  
BRAXTON BRALLEY,**

**Plaintiffs,**

**v.**

**Case No. 3:10-cv-138-REP-DWD**

**MARK A. CAREY, *et al.***

**Defendants.**

**PLAINTIFFS' MOTION FOR CONTINUANCE OF HEARING AND MEMORANDUM  
IN SUPPORT**

**MOTION FOR CONTINUANCE**

Plaintiffs, by counsel, hereby move the Court for continuance of the show cause hearing scheduled for November 3, 2011, by reason of the following:

1. Counsel for Plaintiffs has a prior long standing commitment in Chicago on November 3, 2011.
2. Counsel for Plaintiffs leaves for same on November 2.
3. Counsel for Plaintiffs accordingly requests that the Court reschedule the November 3 show cause hearing to another date.

**MEMORANDUM IN SUPPORT**

The grant or denial of a motion for a continuance is a matter which lies within the sound discretion of the court. See [\*Ungar v. Sarafite\*, 376 U.S. 575, 589, 11 L. Ed. 2d 921, 84 S. Ct. 841 \(1964\)](#); [\*United States v. Schembari\*, 484 F.2d 931, 934 \(4th Cir.1973\)](#). Counsel for Plaintiffs

typically has lots of “availability” on his calendar and would expect it to be easy for another date to be set either before or after November 3, 2011, as the Court may see fit.

**WHEREFORE**, Plaintiffs, by counsel, respectfully request that this Court reschedule the show cause hearing for a date other than November 3, 2011.

Respectfully submitted,  
Noel Bralley  
Carolyn Bralley  
Braxton Bralley  
By Counsel

/s/  
By: Dale W. Pittman, VSB#15673  
Counsel for Noel Bralley, Carolyn Bralley  
and Braxton Bralley  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of September, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and hereby certify that I will mail the document by U.S. mail to the following non-filing users:

Mark A. Carey, Esquire  
The Law Offices of Mark A. Carey, P.C.  
1000 McCoy Drive  
Conyers, GA 30094

/s/  
By: Dale W. Pittman, VSB#15673  
Counsel for Noel Bralley, Carolyn Bralley  
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